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Attorney for Defendant Martinez

6 **UNITED STATES DISTRICT COURT**

7 **DISTRICT OF NEVADA**

8 UNITED STATES OF AMERICA,

9 Plaintiff

10 v.

11 ENRIQUE MARTINEZ,

12 Defendant

Case No. 2:21-cr-00169-CDS-BNW

**STIPULATION TO CONTINUE
SENTENCING HEARING
(SECOND REQUEST)**

14 IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson,
15 United States Attorney, and Kimberly Sokolich, Assistant United States Attorney, counsel for
16 Plaintiff the United States of America, and Ivette Amelburu Maningo, counsel for Enrique
17 Martinez, that the Sentencing Hearing currently scheduled for the 23rd day of March, 2023,
18 (ECF NO. 100) be vacated and set to a date and time convenient to this Court, but no sooner
19 than forty-five (45) days from the date currently scheduled for sentencing.

20 The Stipulation is entered into for the following reasons:

21 1. Defense Counsel has been preparing for a State death penalty case and
22 needs additional time to thoroughly explore all factors relevant to Mr.
23 Martinez's sentencing and mitigation presentation in general and to finalize a
thorough sentencing memorandum for this Court's consideration.

2. The Defendant is not currently in custody and does not object to the continuance.

3. The additional time requested herein is not sought for purposes of delay.

4. All parties agree to the continuance.

5. This is the second stipulation to continue sentencing filed herein.

6. The additional time requested by this stipulation is reasonable pursuant to Fed. R. Crim. P. 32(b)(2), which states that the “court may, for good cause, change any time limits prescribed [for sentencing] in this rule.” Furthermore, a delay in sentencing does not implicate or undermine the defendant’s speedy trial rights under the United States Constitution, which terminated upon conviction.

See Betterman v. Montana, 136 S.Ct. 1609, 1617-18 (2016).

DATED this 14th day of March, 2023.

The Law Offices of
Ivette Amelburu Maningo

By: /s/ Ivette Amelburu Maningo
IVETTE AMELBURU MANINGO, ESQ.
Attorney for Defendant
Enrique Martinez

By: /s/ Kimberly Sokolich
KIMBERLY SOKOLICH, ESQ.
Assistant United States Attorney

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff

Case No. 2:21-cr-00169-CDS-BNW

ORDER

ENRIQUE MARTINEZ,

Defendant

ORDER

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Defense Counsel requires additional time to thoroughly explore all factors relevant to Mr. Martinez's sentencing and mitigation presentation in general and to finalize a thorough sentencing memorandum for this Court's consideration.
2. The Defendant is out of custody and does not object to the continuance.
3. The parties agree to the continuance.
4. This is the second stipulation to continue sentencing filed herein.
5. The additional time requested by this stipulation is reasonable pursuant to Fed. R. Crim. P. 32(b)(2), which states that the "court may, for good cause, change any time limits prescribed [for sentencing] in this rule." Furthermore, a delay in sentencing does not implicate or undermine the defendant's speedy trial rights under the United States Constitution, which terminated upon conviction. *See Bettermann v. Montana*, 136 S.Ct. 1609, 1617-18 (2016).
6. Additionally, denial of this request for continuance could result in a miscarriage of justice.

1 IT IS FURTHER ORDERED that the Sentencing Hearing currently scheduled for the
2 23rd day of March, 2023, at the hour of 10:00 a.m., be vacated and continued to 8th day of
3 May, 2023 at the hour of 10:00 a.m.. in courtroom 6B.

4 DATED: March 14, 2023



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6 HONORABLE CRISTINA D. SILVA
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8 UNITED STATES DISTRICT JUDGE
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